C.J.'s Court

Writ Petition No. 1314 (S/B) of 2002

Dr. Sangeeta Kathait …….. Petitioner
V/s
Public Service Commission,
Uttaranchal and others
…….. Respondents

Hon. A.A.Desai, C.J.
Hon. M.M. Ghildiyal,J.

Heard Sri V.K.Bist, learned counsel for the petitioner at length.

The petitioner has applied for the post of Medical Officer (Female). However, she has not been called for interview. It is revealed during the course of argument of learned counsel for the parties that she was dropped while carrying the short- listing according to percentage of marks as reported in the M.B.B.S. examination.

Mr. Bist, Prima facie, canvassed that the priority of short-listing is not just because different universities allocate different marks, and have different standards for allocation of marks. Therefore, dropping of the petitioner was wrong. We do not propose to entertain his argument.

Learned counsel then urged that the petitioner is already working on ad hoc basis as Medical Officer, Therefore, she should have been given preference. There is no legal basis for claim since the post is open for competition and the petitioner is one of the applicants. She will have to stand to the test of general scrutiny of completion.

Lastly and faintly, Mr. Bist has argued that there are many posts which are not advertised. The Government was duty bound to advertise those posts. This argument is equally untenable.

We,therefore, dismiss the petition.

(M.M.Ghildiyal,J.) **(A. A. Desai, C.J.)**

Dt. 20.11.2002
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